

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., THE)
KELLOGG COMPANY, GENERAL)
MILLS, INC., and Nestlé USA, INC.,)
)
Plaintiffs,) No. 1:11-cv-08808
)
v.) Hon. Judge Charles R. Norgle
)
UNITED EGG PRODUCERS, INC.,)
UNITED STATES EGG)
MARKETERS, INC., CAL-MAINE)
FOODS, INC., MICHAEL FOODS,)
INC., and ROSE ACRE FARMS, INC.)
)
Defendants.)

**DEFENDANTS' OMNIBUS MOTION FOR LEAVE TO FILE UNDER SEAL
CERTAIN MOTIONS IN LIMINE**

Defendants Rose Acre Farms, Inc. (“Rose Acre”), Michael Foods, Inc. (“MFI”), Cal-Maine Foods, Inc. (“Cal-Maine”), United Egg Producers, Inc. (“UEP”), and United States Eggs Marketers, Inc. (“USEM”), by and through their undersigned counsel, hereby file this Omnibus Motion for Leave to File Under Seal Certain Motions *in Limine* (“Motion for Leave”) and state the following:

1. Simultaneously with or following the filing of this Motion for Leave, Defendants will be filing the following motions *in limine* and supporting exhibits under seal (collectively, the “Motions *in Limine*”):
 - a. Defendants’ Motion *in Limine* to Exclude Prior Complaints, Investigations, and Settlements
 - b. Defendants’ Motion *in Limine* to Preclude Plaintiffs’ Expert From Offering Factual Narrative Testimony

c. Defendants' Motion *in Limine* to Preclude Plaintiffs From Introducing Evidence Regarding the Alleged Conspirators' Egg Exports

d. Defendants' Motion *in Limine* to Exclude Certain Evidence Predating the Alleged Conspiracy

2. These Motions *in Limine* and supporting exhibits quote, analyze, refer to and/or cite information that has been designated "Confidential – Subject to Protective Order" or "Highly Confidential – Subject to Protective Order" by parties to this lawsuit and/or third-parties pursuant to Case Management Order No. 10 (Protective Order) entered in the multidistrict litigation, *In re Processed Egg Prod. Antitrust Litig.*, No. 08-MD-2002, Case Management Order No. 10 (Protective Order) at 3, ECF No. 50 (Feb. 12, 2009).

3. Such confidentiality designations mean that the Motions *in Limine* and supporting exhibits contain information that the designating party believes is subject to protection pursuant to the Protective Order, including, but not limited to, information that constitutes confidential commercial information, personal information not generally disclosed to the public, competitively sensitive materials, and trade secrets.

4. Simultaneous with or following the filing of this Motion for Leave, Defendants will file public versions of the Motions *in Limine* with the confidential information redacted pursuant to Local Rule 26.2.

5. Accordingly, Defendants request leave to file under seal unredacted copies of the Motions *in Limine* and supporting exhibits.

WHEREFORE, Defendants respectfully request that the Court grant this Motion for Leave and grant them all such other and further relief this Court deems appropriate.

Dated: August 26, 2022

Respectfully submitted,

/s/ Patrick M. Otlewski

Patrick M. Collins (pcollins@kslaw.com)
Livia M. Kiser (lkiser@kslaw.com)
Patrick M. Otlewski (potlewski@kslaw.com)
Abigail Hoverman Terry (aterry@kslaw.com)
KING & SPALDING LLP
110 North Wacker Drive, 38th Floor
Chicago, IL 60606
Tel: (312) 995-6333

Lohr Beck (lohr.beck@kslaw.com)
(pro hac vice)
Andrew Chinsky (achinsky@kslaw.com)
KING & SPALDING LLP
1180 Peachtree Street, NE, Suite 1600
Atlanta, GA 30309
Tel: (404) 572-2812

Brian E. Robison (brian@brownfoxlaw.com)
(pro hac vice)
BROWN FOX PLLC
6303 Cowboys Way, Suite 450
Frisco, TX 75034
Tel: (972) 707-2809

Counsel for Defendant Cal-Maine Foods, Inc.

/s/ Carrie C. Mahan

Carrie C. Mahan (carrie.mahan@weil.com)
S. Nicole Booth (nicole.booth@weil.com)
WEIL, GOTSHAL & MANGES LLP
2001 M Street, N.W.
Washington, D.C. 20036
Tel: (202) 682-7000

Brian G. Liegel (brian.liegel@weil.com)
WEIL, GOTSHAL & MANGES LLP
1395 Brickell Avenue, Suite 1200
Miami, FL 33131
Tel: (305) 577-3180

Stephen J. Siegel (ssiegel@novackmacey.com)
Elizabeth C. Wolicki (ewolicki@novackmacey.com)
NOVACK AND MACEY LLP
100 N Riverside Plaza
Chicago, IL 60606
Tel: (312) 419-6900

Counsel for Defendant Michael Foods, Inc.

/s/ Robin P. Sumner

Robin P. Sumner (robin.sumner@troutman.com)
Kaitlin L. Meola (kaitlin.meola@troutman.com)
TROUTMAN PEPPER HAMILTON SANDERS LLP
3000 Two Logan Square, 18th and Arch Streets
Philadelphia, PA 19103-2799
Tel: (215) 981-4000

Whitney R. Redding
(whitney.redding@troutman.com)
TROUTMAN PEPPER HAMILTON SANDERS LLP
Union Trust Building
501 Grant Street, Suite 300
Pittsburgh, PA 15219-4429
Tel: (412) 454-5085

Robert E. Browne, Jr.
(robert.browne@troutman.com)
TROUTMAN PEPPER HAMILTON SANDERS LLP
227 West Monroe Street, Suite 3900
Chicago, IL 60606
Tel: (312) 759-1923

*Counsel for Defendants United Egg Producers, Inc.
& United States Egg Marketers, Inc.*

/s/ Donald M. Barnes

Donald M. Barnes (dbarnes@porterwright.com)

Jay L. Levine (jlevine@porterwright.com)
PORTER, WRIGHT, MORRIS & ARTHUR LLP
2020 K. Street, N.W., Suite 600
Washington, D.C. 20006-1110
Tel: (202) 778-3000

James A. King (jking@porterwright.com)
Allen T. Carter (acarter@porterwright.com)
PORTER, WRIGHT, MORRIS & ARTHUR LLP
41 South High Street, Suite 2900
Columbus, OH 43215
Tel: (614) 227-2000

Counsel for Defendant Rose Acre Farms, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2022, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants registered to receive service in this action.

/s/ Patrick M. Otlewski
Patrick M. Otlewski